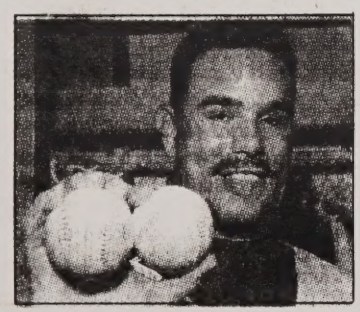
FRIDAY EVENING, APRIL 9, 1993 35 CENTS NEWSSTAND

ROCHESTER, NEW YORK

TIMES-UNION



Carlos Baerga

HITS *record home runs* — **1D**

Three stabbed as groups brawl

One man 'serious' after fight outside West Main St. bar

Staff report

Three men were stabbed early this morning during a fight between two groups of people outside a West Main Street bar, and Rochester police were trying to determine the reason for the confrontation.

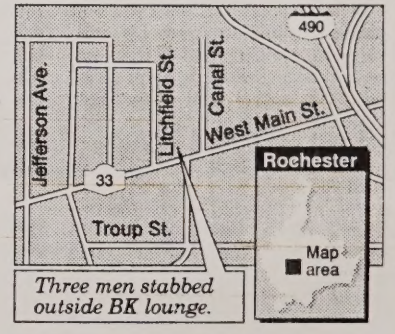
One of the three, identified by police as 26-year-old Donald Williams of Rochester, was seriously injured, with stab wounds in the chest and arm. He underwent surgery early this morning at St. Mary's Hospital, police said. A hospital spokeswoman said he was in "guarded" condition in the hospital's intensive care facility this morning.

The other two, whose names and ages were not known, suffered injuries that were not life-threatening, said Capt. Thomas D'Angelo, overnight staff duty officer for the Rochester Police Department.

Police said the confrontation apparently started inside the BK Lounge, at 452 W. Main St., and spilled out onto the street just before 1 a.m.

About 10 or 15 people from two groups were involved, police said. The three injured men were all taken to the hospital in private cars, and were not at the scene when police arrived.

Police still were trying to identify suspects and the cause of the fight this morning.



Three men stabbed outside BK lounge.

Gay Alliance wins tax lawsuit

Judge says city harassed group, discriminated on exemption

By GARY CRAIG
Staff writer

The city of Rochester, which has refused to grant a property-tax exemption to the Gay Alliance of Genesee Valley Inc., apparently discriminated against the organization because it represents and advocates the rights of homosexuals, according to a ruling from a state Supreme Court justice.

The Alliance is entitled to the exemption, Justice Andrew V. Siracuse ruled this week. He also ruled that the city apparently resorted to recent legal tactics solely to "harass" the alliance and to "delay the resolution of this case."

Siracuse, in turn, has ordered that a hearing be held within the next 30 days to decide whether financial sanctions should be imposed against the city for its legal maneuvering. He also has ordered that the city pay the Alliance's legal fees.

"This case will have implications for all gay-rights organizations," said Alliance lawyer Ellen Yacknin. "It's landmark because it finds that the city cannot discriminate and single out the Gay Alliance.

"We're very pleased that the judge recognized that the city was simply trying to keep the Gay Alliance in the closet by isolating the Gay Alliance and claiming it only helps its members," she said.

City officials could not be reached this morning.

The dispute is entering its third year, and dates back to the city assessor's refusal in March 1991 to grant an exemption for the Alliance's community center at 179-183 Atlantic Ave. The Alliance appealed to the city, but the Board of Assessment Review

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> *"It is hard to escape the suspicion that the demands were made in order to harass and prejudice the Alliance and to delay the resolution of this case."*
>
> **Justice Andrew V. Siracuse**

Gay Alliance wins tax lawsuit

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upheld the assessor's decision.

In August 1991, the Alliance sued the city over its refusal to grant an exemption.

Under state law, an organization must be "educational, charitable," or must foster "moral or mental improvement of men, women or children" to receive an exemption.

City lawyers have claimed that the Alliance serves as an advocacy group for homosexuals and does not meet the state's standards for an exemption.

Siracuse wrote, in response: "To the extent the Alliance is an advocacy group, as charged by the city, it advocates not homosexuality but the legitimate rights and needs of the gay and lesbian community, rights recognized by the city in its anti-discrimination ordinance. This is essentially an educational function.

"These activities also serve to build tolerance and understanding between that community and the larger public, contributing to the moral and mental improvement of the entire community," Siracuse wrote.

Siracuse ruled that the city assessor apparently denied the exemption because of "the character of (the Alliance's) membership and the content of its speech."

Siracuse wrote that recent legal tactics by the city, such as a request to depose Alliance President Paul Scheib, were "clearly frivolous."

"... It is hard to escape the suspicion that the demands were made in order to harass and prejudice the Alliance and to delay the resolution of this case," Siracuse wrote.

Yacknin said the Alliance has previously offered to settle with the city, but has always been rebuffed. Now, the city, which can appeal the ruling, faces possible sanctions and may have to pay the Alliance's legal fees.

"I have put in hundreds of hours on this case and they knew that," Yacknin said. "This is taxpayers' money which I would prefer not to have to earn."

Sanctions can range to up to $10,000 and can go into a fund that reimburses legal clients who were victimized by bad lawyers.